

NEWPORT BEACH PLANNING COMMISSION MINUTES
Council Chambers – 3300 Newport Boulevard
Wednesday, April 3, 2013
REGULAR MEETING
6:30 p.m.

I. **CALL TO ORDER** – The meeting was called to order at 6:30 p.m.

II. **PLEDGE OF ALLEGIANCE** – Vice Chair Hillgren

III. **ROLL CALL**

PRESENT: Brown, Hillgren, Kramer, Myers (arrived 6:52 p.m.), Toerge and
Tucker (arrived 6:39 p.m.)

ABSENT (Excused): Ameri

Staff Present: Brenda Wisneski, Deputy Community Development Director; Leonie Mulvihill, Assistant City Attorney; Tony Brine, City Traffic Engineer; Marlene Burns, Administrative Assistant; Patrick Alford, Planning Manager

IV. **PUBLIC COMMENTS**

Chair Toerge invited those interested in addressing the Commission to do so at this time.

Jim Mosher spoke on fairness and equity. He referenced recent ethics training and comments made at the session and addressed the process for allowing public comments on agenda items. He felt that the public is not given equal time for commenting on agenda items thereby presenting an inequity.

There being no others wishing to address the Commission, Chair Toerge closed the public comments portion of the meeting.

V. **REQUEST FOR CONTINUANCES**

Deputy Community Development Director Wisneski reported that regarding Item No. 3, staff determined that the meeting date on the public hearing notice was unclear therefore, the meeting needed to be re-noticed and suggested scheduling the item to the Planning Commission meeting of April 18, 2013.

Regarding Item No. 4, a request was received from the appellant and agreed to by co-appellants to continue the matter to April 18, 2013 because representatives could not attend at this time.

Commissioner Tucker arrived at this juncture (6:39 p.m.).

Interested parties were invited to address the Commission.

Desmond Levin, M.D., commented on Item No. 3 and wondered why they were not notified of the continuance.

Chair Toerge noted that this was not a request from the applicant, but rather a noticing error.

Sandy Haskell inquired whether Item No. 3 will be re-noticed.

Ms. Wisneski affirmed that the item will be re-noticed and will be heard at the new City Hall facility.

Motion made by Chair Toerge and seconded by Commissioner Kramer and carried 5 – 0 – 2, to continue Items No. 3 and 4 to the Planning Commission meeting of April 18, 2013.

AYES: Brown, Hillgren, Kramer, Toerge and Tucker
NOES: None
ABSTENTIONS: None
ABSENT: Ameri and Myers

VI. CONSENT ITEMS

ITEM NO. 1 MINUTES OF MARCH 21, 2013

Recommended Action: Approve and file

Chair Toerge introduced the item noting that there were written comments received from Jim Mosher.

Interested parties were invited to address the Commission on this item. There was no response and Chair Toerge closed public comments.

Motion made by Commissioner Tucker and seconded by Chair Toerge and carried 3 – 0 – 2 – 2, to approve the minutes of March 21, 2013, as amended.

AYES: Hillgren, Toerge and Tucker
NOES: None
ABSTENTIONS: Brown and Kramer
ABSENT: Ameri and Myers

VII. PUBLIC HEARING ITEMS

ITEM NO. 2 NEWPORT NORTH CENTER MONUMENT SIGNS APPEAL (PA2012-168) Site Location: 1200 Bison Avenue

Planning Manager Alford presented the report addressing location and prior approval by the Zoning Administrator. He reported that the decision was appealed by Council Member Daigle. He addressed the project site, proposed location of the signs, types of signs, site plan, details of the appeal, Zoning Administrator's authority, neighborhood compatibility, conditions of approval and the photometric analysis conducted by the applicant. He presented findings and recommendations.

Ensuing discussion pertained to landscaping in front of the signs and installation of a dimmer.

Interested parties were invited to address the Commission on this matter.

Dan Miller, Irvine Company, reported that businesses within neighborhood shopping centers want signage and an attempt is made to consolidate them to avoid a proliferation of signs. He addressed

the size of the signs, lighting and distances to adjacent residences. He noted that the proposal is compatible with other neighborhood centers within the City.

Commissioner Myers arrived at this juncture (6:52 p.m.). He recused himself and departed the Chambers.

Bob McCaffrey commented on the length of the report and addressed the traffic pattern. He reported speaking with representatives from the City and the OCTA in relation to the cited traffic study but they were not able to provide a source of the data. He questioned the accuracy of the data for traffic and lighting and reported that the latter did not take into account the nearby planned community. He stated that he would not have a problem with a sign, but expressed concerns regarding the lighting of the sign. He distributed a list of existing businesses in the area.

In response to Vice Chair Hillgren's inquiry, Mr. McCaffrey stated that originally, there was concern regarding traffic flow into the center from Jamboree Road and Bison Avenue. He added that lighting is the main issue of concern and reported there are twenty businesses in the center and that only three will be named on the sign. He stated that he felt overwhelmed and wondered why the sign needs to be lit until 10:00 p.m.

Jim Mosher addressed the stream of requests for commercial signs, noting that most of the requests come from Irvine Company. He addressed the lack of information related to a modification permit, noted that the PC text has been amended several times and felt that the PC text addresses this sign type and it is clear that the PC text allows only one multi-tenant sign for the entire center and that individual ground signs must be kept back twenty feet from the property line. He felt that Irvine Company should not burden residents with an additional sign and suggested that a discrete sign directing people into the center would be less obtrusive.

Mr. Miller reported that the traffic analysis on Bison Avenue is five-years old and the numbers relative to MacArthur Boulevard are more up-to-date. He stated that his company is trying to accommodate as many businesses as possible and felt that the proposed sign is a good compromise.

In response to an inquiry from Commissioner Tucker, Mr. Miller reported that he would be willing to forego installing a twenty-foot directory sign and a restaurant pole sign.

In response to an inquiry from Vice Chair Hillgren, Mr. Miller stated that he would be willing to review the matter in the future to make appropriate adjustments in terms of lighting. He felt that with the existing lights in the area, differences will not be perceptible.

There being no others wishing to address the Commission, Chair Toerge closed public comments for this item.

Commissioner Kramer felt that the Zoning Administrator applied the correct standard review on the matter and acted reasonably. He felt that the proposed sign does not pose an additional burden on residents and indicated that he will support the original Zoning Administrator decision.

Commissioner Tucker stated agreement with Commissioner Kramer's comments and felt that Irvine Company's proposal is appropriate.

Motion made by Commissioner Tucker and seconded by Commissioner Kramer and carried 5 – 1 - 1, to adopt Resolution No. 1911, denying the appeal, upholding and affirming the decision of the Zoning Administrator and approving Modification Permit No. MD2012-016 with the attached Findings and Conditions adding that as long as the monument sign is installed, no tenant directory sign or restaurant pole sign will be installed.

Assistant City Attorney Mulvihill suggested that a condition be added indicating that no tenant directory sign or restaurant pole sign will be installed.

Mr. Alford suggested that the modification permit not be valid if a directory sign or restaurant pole is installed.

Ms. Mulvihill reported that staff will work with the applicant regarding the matter.

AYES:	Brown, Hillgren, Kramer, Toerge and Tucker
NOES:	None
ABSTENTIONS:	None
ABSENT:	Ameri
RECUSAL:	Myers

Commissioner Myers entered the Chambers and took his place on the dais.

ITEM NO. 3 441 OLD NEWPORT MEDICAL OFFICE BUILDING (PA2011-056)

Site Location: 441 Old Newport Boulevard

This item was continued to the Planning Commission meeting of April 18, 2013 as moved under Requests for Continuances.

ITEM NO. 4 KNIGHT RESIDENCE (PA2013-044) AND OU RESIDENCE (PA2013-043)

Site Location: 312 Hazel Drive and 316 Hazel Drive

This item was continued to the Planning Commission meeting of April 18, 2013 as moved under Requests for Continuances.

VIII. STAFF AND COMMISSIONER ITEMS

ITEM NO. 5 MOTION FOR RECONSIDERATION - None

ITEM NO. 6 COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Ms. Wisneski referenced the pending agenda for April 18, 2013 noting that the meeting will take place in the new Civic Center facility. She referenced the Housing Element and offered to respond to questions from the Commission.

Ms. Mulvihill reported that the City received notice of a commencement of a CEQA action regarding the Newport Uptown project as well as a subsequent letter stating that the action was withdrawn.

ITEM NO. 7 ANNOUNCEMENTS ON MATTERS THAT THE PLANNING COMMISSION MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR REPORT

Ms. Wisneski asked Members of the Commission to arrive early on April 18, 2013, for training.

ITEM NO. 8 REQUESTS FOR EXCUSED ABSENCES - None

IX. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:16 p.m.

The next regular meeting of the Planning Commission is scheduled for April 18, 2013 at 6:30 p.m.

The agenda for the Regular Meeting was posted on March 28, 2013, at 4:25 p.m. on the City Hall Bulletin Board located outside of the City of Newport Beach Administration Building, 3300 Newport Boulevard.

Michael Toerge, Chairman

Fred Ameri, Secretary